

Application No.: 09/973,070
Group Art Unit: 2872
Amendment filed March 15, 2004
Reply to non-final Office Action dated October 15, 2003

Docket No.: 8064.701.00

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Non-Final Office Action of October 15, 2003 has been received and contents carefully reviewed. Applicants are grateful for the courtesies extended to the Applicants' representative in a telephone interview held on March 8, 2004. During the interview, claim amendments were discussed which would overcome the outstanding rejections, thus placing the application in better condition for allowance.

By this amendment, Applicants hereby amend claims 1, 6, and 25 and respectfully submit no new matter has been entered.

The Examiner rejected claims 1-14, 19-22, and 25 under 35 U.S.C. § 102(e) as being anticipated by Beals et al. (U.S. Pat. App. Pub. No. 2002/0040731); rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Potash (U.S. Pat. App. Pub. No. 2002/0114595) in view of Di Giovanni et al. (U.S. Pat. No. 4,427,112); rejected claims 15-17, 23, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al.; and rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. in view of Klamm et al. (U.S. Pat. No. 4,756,510). The rejections of the claims are traversed and reconsideration of the claims is respectfully requested in view of the following amendments made above and in view of the following remarks.

The rejection of claims 1-14, 19-22, and 25 under 35 U.S.C. § 102(e) as being anticipated by Beals et al. is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Beals et al. in that claim 1 recites a combination of elements including, for example "a service pipe... ; a nipple, the nipple including a sidewall directly contacting an outer surface of the service pipe; a flexible tube disposed inside the service pipe

and the nipple; a pressure fitting directly attached to the sidewall of the nipple, the pressure fitting sealing an end of the flexible tube to the nipple....” Beals et al. fails to teach, either expressly or inherently, at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 2-5, which depend from claim 1, are also allowable over Beals et al.

Claim 6 is allowable over Beals et al. in that claim 6 recites a combination of elements including, for example “forming... a first hole within the service pipe; joining to the service pipe ... a first nipple... including a first matching diameter pipe covering the first hole, wherein an inner diameter of the first matching diameter pipe is substantially equal to a diameter of the first hole; forming... a second hole within the service pipe; joining to the service pipe... a second nipple... including a second matching diameter pipe covering the second hole, wherein an inner diameter of the second matching diameter pipe is substantially equal to a diameter of the second hole; feeding the flexible tube through a catch nipple, wherein the catch nipple includes one of the first nipple and the second nipple, after passing the flexible tube through one of the first and second nipples different from the catch nipple and through the inside of the service pipe, wherein the feeding includes feeding the flexible tube through the entire length of the matching diameter pipe of the catch nipple.” Beals et al. fails to teach, either expressly or inherently, at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 7-14 and 19-22, which depend from claim 6, are also allowable over Beals et al.

Claim 25 is allowable over Beals et al. in that claim 25 recites a combination of elements including, for example “forming a hole in a gas service pipe... forming a nipple on the gas service pipe, the nipple including a matching diameter pipe directly contacting the service pipe and covering the hole; sealing... a flexible tube directly to the matching diameter pipe of the

nipple and within the service pipe from the first point to a second point proximate to a network cable.” Beals et al. fails to teach, either expressly or inherently, at least these features of the claimed invention.

The rejection of claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Potash in view of Di Giovanni et al. is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Potash in view of Di Giovanni et al. in that claim 1 recites a combination of elements including, for example “...a service pipe that conveys gas between a gas main and a gas meter... ; a nipple, the nipple including a sidewall directly contacting an outer surface of the service pipe; a flexible tube disposed inside the service pipe and the nipple; a pressure fitting directly attached to the sidewall of the nipple, the pressure fitting sealing an end of the flexible tube to the nipple and providing access to an inside of the tube.” Potash and Di Giovanni et al., either singly or in combination, fail to teach or suggest at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 2-4, which depend from claim 1, are also allowable over Potash in view of Di Giovanni et al.

The rejection of claims 15-17, 23, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. is respectfully traversed and reconsideration is requested.

Claims 15-17, 23, and 24 include all of the elements of claim 6, as discussed above, and Beals et al. fails to teach or suggest at least the features of independent claim 6 as recited above. Accordingly, Applicants respectfully submit that claims 15-17, 23, and 24 are allowable by virtue of their dependence from claim 6.

Claims 26 and 27 include all of the elements of claim 25, as discussed above, and Beals et al. fails to teach or suggest at least the features of independent claim 25 as recited above.

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Accordingly, Applicants respectfully submit that claims 26 and 27 are allowable by virtue of their dependence from claim 25.

The rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. in view of Klamm et al. is respectfully traversed and reconsideration is requested.

Claim 18 includes all of the elements of claim 6, as discussed above, and Beals et al. fails to teach or suggest at least the features of independent claim 6 as recited above. Similarly, Klamm et al. fails to cure the deficiencies of Beals et al. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claim 18 in view of claim 6, as above.

If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

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If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: March 15, 2004

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